

REMARKS

I. Status of the Claims

Without prejudice or disclaimer, claims 49 and 82 are amended herein to recite that the belt structure comprises only one layer of a plurality of circumferential coils. Further, claims 49 and 82 are amended herein to incorporate the limitations of claim 58 and 59, which are cancelled as a result, without prejudice or disclaimer. Specifically, claims 49 and 82 now recite that the “at least one layer of a crosslinked elastomeric material is disposed either between said carcass structure and said layer of a plurality of circumferential coils or between said layer of a plurality of circumferential coils and said tread band.” Support for these amendments can be found in the claims as originally filed, e.g., claims 58 and 59, and the specification as-published (U.S. Patent Application Publication No. 2006/0137797 A1) at ¶¶ [0091], [0100], and [0102] and Figures 1 and 2. Thus, no new matter is presented. Accordingly, claims 49-54 and 60-98 are now pending.

Applicants respectfully acknowledge that the Examiner has withdrawn the rejection of claims 49-54, 62-69, 74-85, 88, 89, 91, and 94-98 under 35 U.S.C. § 102(b) as being allegedly anticipated by EP 1 193 085, and the rejection of claims 56, 58-61, 70-73, 86, 87, 92, and 93 under 35 U.S.C. § 103(a) as being allegedly obvious over EP 1 193 085.

II. Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects claims 49-54 and 58-98 under 35 U.S.C. § 103(a) as being allegedly obvious over Tanaka (JP 01109107) in view of U.S. Patent No. 6,598,645 to Larson (“the ‘645 patent”). See Final Office Action at 2-5.

Applicants previously argued that if one skilled in the art was motivated to combine the elastomeric composition containing an inorganic material of the '645 patent in the belt construction of Tanaka, which Applicants do not concede, then layers 7, 8, and 9 of Tanaka would have been modified to comprise an elastomeric material comprising inorganic layered material and zero-degree cord, which is different than the claimed invention, which discloses that the claimed layer of crosslinked elastomeric material does not contain any cord. The Examiner responds that Applicants' argument is not commensurate in scope with the claims. *See id.* at 5-6. In particular, the Examiner notes that the claims do "not define the relevant elastomeric layer as being devoid of cord reinforcement – the claim simply requires that the at least one layer of a plurality of circumferential coils is associated with at least one layer of a crosslinked elastomeric material." *Id.* at 6 (emphasis by Examiner). The Examiner emphasizes that "the language 'is associated with' does not define over the belt structure of Tanaka in view of Larson." *Id.*

While Applicants respectfully disagree with the Examiner for at least the reasons of record, in order to expedite prosecution, but without acquiescing to the Examiner's rejection, Applicants amended claims 49 and 82 herein to recite that the belt structure comprises only one layer of a plurality of circumferential coils and that the "at least one layer of a crosslinked elastomeric material is disposed either between said carcass structure and said layer of a plurality of circumferential coils or between said layer of a plurality of circumferential coils and said tread band." The claimed invention, as-amended, distinguishes the prior art of record.

First, the claims, as-amended, limit the claimed invention to a single layer of a plurality of circumferential coils. In contrast, Tanaka discloses a tire designed around two spiral belt plies (8 and 9). See Tanaka, Abstract and Figure 4. Further, the '645 patent fails to disclose the use of a layer of a plurality of circumferential coils, as the Examiner acknowledges.

Second, amended claims 49 and 82 recite that the "at least one layer of a crosslinked elastomeric material is disposed either between said carcass structure and said layer of a plurality of circumferential coils or between said layer of a plurality of circumferential coils and said tread band." Neither Tanaka nor the '645 patent teaches or suggests these limitations. In fact, the '645 patent discloses a belt ply, which is "comprised of a laminate of a rubber composition and a plurality of spaced apart cords disposed in a substantially parallel relationship to each other, wherein said rubber composition encapsulates said cords." '645 Patent, col. 3, lines 46-50 (emphasis added). In contrast, the claimed layer of crosslinked elastomeric material does not contain any cord. Specifically, the claimed **layer** of crosslinked elastomeric material is separate and distinct from the single **layer** of a plurality of circumferential coils, axially arranged side by side, of at least one cord wound at substantially null angle with respect to the equatorial plane of the tyre. See Specification as-published, Claims and Figures 1 and 2. Claims 49 and 82, as-amended, clarify this point.

Accordingly, if one skilled in the art was motivated to combine the elastomeric composition containing an inorganic material of the '645 patent in the belt construction of Tanaka, which Applicants do not concede, then layers 7, 8, and 9 of Tanaka would

have been modified to comprise an elastomeric material comprising inorganic layered material **and** zero-degree cord, which stands in stark contrast to the claimed invention.

Because neither Tanaka nor the '645 patent teaches or suggests each and every element of the claimed invention, as-amended, Applicants respectfully submit that an obviousness rejection based on these references is inappropriate and should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants, therefore, request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

If the Examiner believes a telephone conference could be useful in resolving any of the outstanding issues, he is respectfully urged to contact Applicants' undersigned counsel at 202-408-4152.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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